

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RONALD D. EADY,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:12-0336
)	Judge Haynes/Bryant
COMMODORE EXPRESS, INC., et al.,)	Jury Demand
)	
Defendants.)	

O R D E R

Plaintiff Eady, who is proceeding pro se, has filed his motion to subpoena witness (Docket Entry No. 17). By this motion, plaintiff seeks subpoenas to depose Officer Robert Wilkes and Sgt. Arthur Avitia on August 15, 2012, at 2:00 p.m. in Flagstaff, Arizona. By handwritten notation on this motion, plaintiff states that he "plans to pay any cost incurred," and that offices have been reserved to conduct this discovery.

Rule 45 of the Federal Rules of Civil Procedure governs subpoenas in civil cases. Rule 45(a)(2)(B) provides as follows: "A subpoena must issue as follows: (B) for attendance at a deposition, from the court for the district where the deposition is to be taken."

Although this lawsuit is presently pending in this district, it appears from plaintiff's motion that the proposed depositions of Officers Wilkes and Avitia are to be taken in Flagstaff, Arizona. Accordingly, pursuant to the provision of Rule 45 quoted above, subpoenas for depositions to be taken in Flagstaff, Arizona, must be issued by the United States District Court for the District of Arizona and not this district.

For this reason, plaintiff Eady's motion to subpoena witness (Docket Entry No. 17) is DENIED.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge